

## **ELECTRONIC VOTING: A PARADIGM SHIFT?**

By Beverly Kaufman

The advent of electronic voting systems (DREs) across the country, such as Harris County's eSlate, has spurred questions concerning inherent weaknesses that may be present and their susceptibility to manipulation. Critics point to the possibility of computer programmers placing 'hidden' codes into these systems in an effort to switch the manner in which votes are recorded as an attempt to deliver an election to a chosen candidate. Due to this perceived weakness in DRE voting systems, recent discussions have focused on the issue of providing a voter verifiable paper receipt for the voter to review after making selections on an electronic voting unit.

As cited in a recent United States Congressional Research Report, all of these concerns are simply speculative and in twenty years of use, no Direct Recording Electronic (DRE) voting system has been subjected to the injection of a malicious code. As the election official for the third largest county in the United States and one of the counties well versed in the use of an electronic voting system, it is important to understand that all concerns should be taken seriously, but no public policy initiative should be undertaken without a thorough and honest discussion and one that involves local election officials who are sworn to protect the integrity of elections and are skilled in the administration of democracy.

Understanding our current election environment after the 2000 Presidential election and its evolution are important aspects to consider before implementing a policy resulting in an additional public expenditure. Whether the voting system is a mechanical lever machine, a punchcard voting device, or an optical-scan paper ballot, no system currently provides a "receipt" to the voter guaranteeing their vote was recorded in a particular manner. All of these systems require the use of electronic tabulation programs to speed the tabulation of votes along in an effort to satisfy the demands of the public and the media for timely results. As provided by the Texas Election Code, each of these tabulation programs must be tested and retested to verify the accuracy of the vote count. This is done by testing the actual tabulation program with a predetermined 'test' election which will verify through a zero count and the predefined results that the units are operating correctly. For some, the most secure way to provide piece-of-mind to the voter would be to return to a true paper ballot system, yet history has shown that these voting systems remain subject to ballot stuffing, lost ballot boxes, or human error.

Proponents of a voter verifiable paper trail point to the possibility of a hidden code which will switch votes at a given time based on its own internal systems and hidden timing constraints. Systems used in the State of Texas must

be certified by Independent Testing Authorities (ITA) who review the software programs used for tabulation and retain these programs in escrow at the federal level. If necessary, our tabulation software can be reviewed for accuracy in its fundamental logic. In fact, local election officials actually perform no programming at the local level, but simply enter text pertaining to the ballot language, listing of candidates, or voting instructions.

The Harris County Clerk's office takes all concerns and complaints regarding our voting system seriously, but as a public official it is important to focus on the administration of the election and not fall prey to what amounts to an appeal to paranoia. A full review of electronic voting systems is currently underway in various states and will soon be undertaken by the United States Election Assistance Commission authorized under the Help America Vote Act of 2002. Only after such a review will a more thorough understanding of electronic voting systems be achieved and any potential for system upgrades be considered.

***Beverly Kaufman has served as the Harris County Clerk since 1994 and has been appointed to serve as a representative of the National Association of County Recorders, Election Officials, and Clerk (NACRC) to the Board of Advisors for the United States Election Assistance Commission.***